

Honolulu, Hawaii

Feb 1, 2012

RE: H.B. No. 1847
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Labor & Public Employment, to which was referred H.B. No. 1847 entitled:

"A BILL FOR AN ACT RELATING TO CIVIL SERVICE,"

begs leave to report as follows:

The purpose of this measure is to protect the rights of public employees by clarifying that when an appointing authority, prior to release or discharge of an employee, is considering the feasibility of transferring or demoting the employee to another position for which the employee qualifies, the transfer or demotion considered shall be to another position within the appointing authority's jurisdiction.

The Hawaii Government Employees Association testified in support of this measure. The Department of Human Resources Development and Department of Human Resources of the City and County of Honolulu opposed this measure.

Currently, Hawaii law provides seven criteria that an employer is obligated to meet when a civil service employee fails to meet performance requirements prior to releasing that employee from the position or discharging the employee from service. One of the criteria is that the employer consider the feasibility of transferring or demoting that employee to another position for which the employee qualifies. However, your Committee has been informed that since the scope of the job search is not statutorily defined, each state department and county jurisdiction or



department has its own interpretation as to what the scope of the job search is intended to encompass, leading to inconsistencies in application.

However, your Committee does note the concerns that the requirement that the transfer or demotion considered be to another position within the appointing authority's jurisdiction may be overly broad and not feasible. Accordingly, your Committee has amended this measure by narrowing the scope of the transfer or demotion being considered to the appointing authority's department. Technical, nonsubstantive amendments were also made for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Labor & Public Employment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1847, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1847, H.D. 1, and be referred to the Committee on Finance.

Respectfully submitted on
behalf of the members of the
Committee on Labor & Public
Employment,



KARL RHOADS, Chair



State of Hawaii
House of Representatives
The Twenty-sixth Legislature

HSOR 29

Record of Votes of the Committee on Labor & Public Employment

Bill/Resolution No.: HD 1847	Committee Referral: LAB, FIN	Date: 1-27-12		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
LAB Members	Ayes	Ayes (WR)	Nays	Excused
1. RHOADS, Karl (C)	/			
2. YAMASHITA, Kyle T. (VC)	/			
3. AQUINO, Henry J.C.	/			
4. CULLEN, Ty	/			
5. ICHIYAMA, Linda	/			
6. LEE, Marilyn B.				/
7. LUKE, Sylvia	/			
8. OKAMURA, Tom	/			
9. SAIKI, Scott K.	/			
10. SOUKI, Joseph M.	/			
11. TAKUMI, Roy M.	/			
12. FONTAINE, George R.	/			
13. JOHANSON, Aaron Ling	/			
TOTAL (13)	12	—	—	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ committee acronym(s) did not support recommendation.				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				